

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Patent Application of:

Hiroshi OGIWARA, et al.

Serial No: 10/698,472

Group Art Unit: 3663

Confirmation No. 3203

Filed: November 3, 2003

Examiner: Diacou, Ari M.

For:

OPTICAL AMPLIFYING APPARATUS

COMMUNICATION TO THE EXAMINER

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

An IDS was filed herein on May 19, 2004, in the above-referenced application. A copy of the IDS is attached hereto. However, the Examiner has not yet acknowledged the IDS.

It is respectfully requested that the Examiner return a copy of the Form PTO-1449 accompanying the IDS, signed and initialed to indicate that the references listed therein have been considered.

Respectfully submitted,

STAAS & HALSEY LLP

Data

Bv:

Бy.

Paul I. Kravetz

Registration No. 35,230

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Please Date Stamp and return

IDS, Form PTO 1449 & Copies of References Cited Therein (5 Refs.), Copy of European Search Report, NO FEE ENCLOSED

APPLICANT(S):

Hiroshi OGIWARA, et al.

SERIAL NO:

10/698,472

CONFIRMATION NO.

3203

TITLE:

OPTICAL AMPLIFYING APPARATUS

FILING DATE:

November 3, 2003

DOCKET NO:

1075.1235/PIK:mbs

DUE DATE:

August 6, 2004

Please Date Stamp and return

IDS, Form PTO 1449 & Copies of References Cited Therein (5 Refs.), Copy of European Search Report, NO FEE ENCLOSED

APPLICANT(S):

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Attorney Docket No. 1075.1235

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Hiroshi OGIWARA, et al.

Application No.: 10/698,472

Filed: November 3, 2003

For: OPTICAL AMPLIFYING APPARATUS



Group Art Unit: 2872

Examiner:

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 CFR § 1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1.	Enclosures	accompanying this Information Disclosure Statement are:
	1a. ⊠ 1b. ⊠ 1c. ⊠ 1d. □ 1e. □	Form PTO-1449. Copies of IDS citations. An English language copy of search report(s) from a counterpart foreign application or a PCT International Search Report. English language translation (complete or relevant portion(s)) attached to each non-English language publication. Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a concise explanation of each non-English publication. List of Copending Applications (ATTACHMENT 1(f), hereto).
_	1g. 🗍	List of Additional Submitted Documents (ATTACHMENT 1(g), hereto).
2.		mation Disclosure Statement is filed under 37 CFR §1.97(b): (Check either Item 2a or 2b or 2c or 2d)
	2a. 🗌	Within three months of the filing date of a national application other than a Continued Prosecution Application under § 1.53(d);
	2b. 🔲	Within three months of the date of entry of the national stage as set forth in
	2c. ⊠ 2d. □	§ 1.491 in an international application. Before the mailing of a first Office Action on the merits; or Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.



Serial No.: 10/698,472

3.		This Information Disclosure Statement is filed under 37 CFR § 1.97(c) after the period specified in paragraph 2 above but before the mailing date of any of a Final Office Action under § 1.113, a Notice of Allowance under § 1.311 or an action that otherwise closes prosecution in the application, AND (Check either Item 3a or 3b; Item 3b to be checked if							
			any reference known for more than 3 months)						
		3a.	The §1.97(e) Statement in Item 5 below is applicable; OR The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is: enclosed.						
			to be charged to Deposit Account No. 19-3935.						
4.			mation Disclosure Statement is filed under 37 CFR §1.97(d) after the period in paragraph 3 above, but on or before payment of the Issue Fee, AND The § 1.97(e) Statement in Item 5 below is applicable; AND The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is: enclosed. to be charged to Deposit Account No. 19-3935.						
5.	П	Statemen	t under § 1.97(e) (applicable if Item 3a or Item 4a is checked)						
		(Check either Item 5a or 5b)							
		5a. 🗌	In accordance with 37 CFR § 1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.						
		5b. 🗌	In accordance with 37 CFR § 1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.						
6.		This is a continuation/divisional/continuation-in-part application under 37 CFR § 1.53(b).							
		. ,	(Check appropriate Items 6a and/or 6b)						
		6a. 🗌	Copies of the publications listed on the attached Form PTO-1449 which were previously cited in prior application Serial No, filed on, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, have been omitted pursuant to 37 CFR						
		6b. 🗌	§ 1.98(d). Copies of the publications listed on the attached Form PTO-1449 which were not previously cited in prior application Serial No, filed on, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, are provided herewith.						

COPY

Serial No.: 10/698,472

7.		This is a continuation/divisional application under 37 CFR § 1.53(d) or a Request for Continued Examination under 37 CFR 1.114.						
			(Check either Item 7a or 7b)					
		7a. 7b.	The Issue Fee has not been paid. A Petition to Withdraw from issue under 37 CFR § 1.313(c) is filed concurrently herewith or has been granted. A continuation/divisional application under 37 CFR § 1.53(d) or a Request for Continued Examination under 37 CFR 1.114, after payment of the Issue Fee, is proper in accordance with 37 CFR § 1.53(d)(1)(ii) or 37 CFR 1.114(a), respectively.					
8.		This is a Supplemental Information Disclosure Statement.						
			(Check either Item 8a or 8b)					
		8a. 🗌	This Supplemental Information Disclosure Statement under 37 CFR § 1.97(f) supplements the Information Disclosure Statement filed on A bona fide attempt was made to comply with 37 CFR § 1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental IDS can be considered as if properly filed on					
		8b. 🗌	This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR § 1.97 and 1.98, mailed					
9.	☐ li u	n accorda nderstoo	ince with 37 CFR § 1.98, a concise explanation of what is presently d to be the relevance of each non-English language publication is: (Check appropriate Items 9a, 9b, 9c and/or 9d)					
		9a. 🗌	satisfied because all non-English language publications were cited on the enclosed "English language version of the search report or action which indicates the degree of relevance found by the foreign office". (See MPEP § 609, Minimum Requirements for an Information Disclosure Statement, Part A(3): Concise Explanation of Relevance, 8th Ed.)					
		9b. 🔲	set forth in the application.					
		9c. 🗌	satisfied because an English language translation (complete or relevant portion(s)) is attached to each non-English language publication.					
		9d. 🗌	enclosed as Attachment 1(e), hereto.					
10.	be tha	, materia an search	on is made that the information cited in this Statement is, or is considered to to patentability nor a representation that a search has been made (other report(s) from a counterpart foreign application or a PCT International port, if submitted herewith). 37 CFR §§ 1.97(g) and (h).					



Serial No.: 10/698,472

11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR § 1.17 for this Information Disclosure Statement to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Dated: 1201 New York Ave., N.W., Suite 700

Washington, D.C. 20005 Telephone: (202) 434-1500 Facsimile: (202) 434-1501 Paul I. Kravetz

Registration No. 35,230





FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

Hiroshi OGIWARA, et al.

FILING DATE GROUP ART UNIT

November 3, 2003 2872

U.S. PATENT DOCUMENTS

	U.S. I ATENT DOGGMENTO						
*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA.						
	AB						
	AC						
	AD						
	AE						
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FOREIGN PATENT DOCUMENTS

 					2112	A-101	471011
	DOCUMENT				SUB-	TRANSL	
	NO.	DATE	COUNTRY	CLASS	CLASS	YES	NO
 AG	EP 1054489 A2	11/22/00	EPO				
/	LI 1004400712	11/22/00					
AH	EP 1054489 A3	10/15/03	EPO				
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OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)					
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EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.